IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 6081 of 1997(Y)

PETITIONER:

P.V.SELVARAJ,
PEON CUM WATCHER,
RESIDING AT PONMALIPPARAMBU, KOTTOOLI PO.,
KOZHIKKODE 16.

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP.BY CHIEF SECRETARY,
   THIRUVANANTHAPURAM.

2. **DIRECTOR,**
   INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
   FOR ELECTRONICS, VAZHUTHACAUD,
   THIRUVANANTHAPURAM.

3. **DEPUTY DIRECTOR,**
   REGIONAL CENTRE,
   INSTITUTE OF HUMAN RESOURCES,
   DEVELOPMENT FOR ELECTRONICS,
   WEST HILL, KOZHIKKODE.

BY ADV. SRI.N.N.SUGUNAPALAN
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.11019/1997 IN OP. 6081/1997

DISMISSED

22.6.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.4.7.1996 OF THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE CHARGE SHEET DT. 8.7.1996 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE STATEMENT OF ALLEGATION DT. 8.7.96 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE REPLY OF THE PETITIONER TO THE 2ND RESPONDENT DT. NIL.

EXT.P5:_ COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DT. 22.8.96.

EXT.P6:- COPY OF THE SHOW CAUSE NOTICE DT. 23.10.96 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER WHICH ENQUIRY REPORT DT. 17.9.96.

EXT.P7:- COPY OF THE REPLY DT. 7.11.96 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE MEMO DT. 21.12.96 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P9:- COPY OF THE ORDER DT. 18.2.97 OF THE 2ND RESPONDENT.

EXT.P10:- COPY OF THE REPRESENTATION DT. 12.6.97.

EXT.P11:- COPY OF THE COMMUNICATION.

EXT.R2(a):- COPY OF THE COMPLAINT DT. 1.7.96 FROM SRI.CHANDUKUTTY.

EXTR2(b):- LETTER DT. 7.8.96 BY THE DIRECTOR TO THE PETITIONER.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH, J.

O.P. NO. 6081 OF 1997

Dated this the 22nd day of June, 2007.

J U D G M E N T

The issue raised in this original petition pertains to the disciplinary proceedings initiated against the petitioner culminating in his termination from service. In the nature of the view I propose to take this original petition, it is not necessary to refer extensively to the factual background of the case.

2. It is seen that the petitioner had submitted Exhibit P10 representation before the first respondent. The same has been treated as an appeal and it was rejected by the Executive Committee of IHRD which met on 23.06.1998 and communication regarding the same was given to the petitioner as per Exhibit P11.

3. Petitioner submits that being an appeal against an order of punishment and that too against the extreme punishment, he should have been given an opportunity to represent his grievance before the Executive Committee so as to persuade them to have a change of heart. I find force in this submission, being a well settled principle. Rules of natural justice are to be read into, in such situations.

Hence, this writ petition is disposed of directing the Executive Committee of IHRD, which considered Exhibit P10 representation as an appeal, to consider the matter afresh with notice to the petitioner and pass appropriate orders, in accordance with law, within a period of four months from the date of receipt of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

smp